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RUCNCLC/CHILD LABOR COLLECTIVE

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SUBJECT: CONFUSING STATISTICS AND CONFLICTING OPINIONS

COMPLICATE WHAT TO DO ABOUT CHILD LABOR IN MEXICO

¶1. SUMMARY: The child labor scenario in Mexico is complicated by out-of-date or confusing data about the magnitude of the problem and by ambivalent opinions as to what, if anything, can or should be done about the predicament. The Mexican government, International Organizations and NGO's all have their own statistics on the dimension of the problem. The confusing data surrounding the issue of child labor has prompted labor lawyers affiliated with the country's largest employers association (COPARMEX) to state that the problem, while real, is often exaggerated. The matter of private sector skepticism only adds to the conflicting opinions as to whether child labor can, or even should, be eliminated given the extreme poverty that exists in so many parts of Mexico. Much of the work done by child labor in Mexico can be divided into two categories; farm labor or the commercial the sex trade. Everyone concerned with the issue is in complete agreement within the GOM or elsewhere about the need to combat the sexual exploitation of children. There is considerably less agreement about the need or desirability of eliminating other forms of child labor. END SUMMARY.

PICK A NUMBER. ANY NUMBER!

¶2. While there is no doubt whatsoever about the existence of the problem of child labor in Mexico it is often difficult to get a fact based understanding of the true dimensions of the problem. Even the most cursory review of the existing data detailing the gravity of the problem quickly reveals that there is a wide range of figures on the subject. All of the available figures give some idea of the magnitude of the situation but not all of the data on the problem can reliably be called current.

¶3. For example, one national study done on the problem by the GOM's Mexican Youth Institute (IMJ), an executive agency attached to the Office of the President, reported that 55 percent of all of Mexico's boys and 25 percent of its girls between the ages of 12-14 are employed in some type of full-time wage earning activity. Moreover, the IMJ study said, 85 percent of all of these youths earn less than the monthly minimum wage (roughly USD 80.00 assuming a five day work week). This study is frequently cited, at least by local organizations, when discussing the issue of child labor. The only problem is that the study was published in 2005 based on data which may have been gathered as early as ¶2002.

¶4. International Organizations looking at the child labor situation in Mexico have their own numbers. According to a World Bank report published in late 2006, Mexico has some 3 million children between the ages of 7-14 engaged in full-time (or nearly full-time) employment. The World Bank report indicated that this figure represented 14.7 percent of all Mexican children in that age group. Most of these children, the report said, worked in the agricultural sector with a significantly smaller proportion working in either the services or manufacturing sectors. A study produced by the Mexican government's National Statistics Institute (INEGI) closely coincides with the World Bank report. The INEGI study states that there are at least 3 million minors engaged in child labor. The INEGI study also mirrors the World Bank report in its breakdown of where these children are most frequently employed: agriculture ) 48.3 percent, services ) 37.9 percent and manufacturing ) 13.8 percent.

¶5. None of the above figures include the estimated numbers for minors engaged in child pornography or child prostitution. Figures for children compelled to work in these types of activities are almost always reported separately (see below).

#### WHERE THINGS ARE WORST

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¶6. As noted above, the majority of Mexican minors compelled to join the country's labor force are more often than not employed in the agricultural sector. These children are all from desperately poor families and frequently work in the fields right along side their parents and siblings. The

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Mexican states where the problems of child labor employed in the agricultural sector appear to be most prevalent are the states of Chiapas, Campeche, Puebla, Sinaloa and Veracruz. There are also reportedly significant numbers of children being employed in the agricultural sectors in the states of Michoacan, Colima, Guerrero, Yucatan and Coahuila. A growing problem in all of these states further complicating the social ramifications of the child labor scenario in Mexico is the phenomena of younger children working in the fields with their mothers while their fathers and older siblings migrate to the US in search of employment. The ultimate consequences of this type of family separation are not yet known but Mexican authorities are monitoring the situation.

¶7. The Mexican government at the federal and state levels is working to improve the lot of these child laborers but so far with only limited success. Perhaps the most significant and sustained effort being carried out by Mexican authorities is a program to provide education to migrant child laborers, in the agricultural sector. Mexico's Secretary for Public Education is running an initiative called the Primary Education Program for Migrant Children. There are no reliable recent figures for this program but in 2003 it reportedly provided primary education in migrant communities to some 30,500 children between the ages of 6-14. Considering that such figures that exist on the overall problem indicate there may be at least 1 million child laborers in Mexico's agricultural sector, the figure of 30,500 children being educated is extremely modest.

#### TO DO, OR NOT TO DO ) THAT IS THE QUESTION

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¶8. Regardless of the real size of the problem of child labor in Mexico what does appear to be very real is public debate on what, if anything, to do about the problem. Many children's advocates affirm that child labor should be eradicated, at least to the extent that the situation can be made to comply with Mexican law. These advocates site both

national law and international treaties in making their argument. In the case of national law both Mexico's constitution (Article 123) and its &Federal Labor Law8 (Article 173) expressly prohibit child labor for anyone under age 14. Child advocates (and occasionally some elements of the Mexican government) also site the fact that in 1990 Mexico ratified the UN Convention on the Rights the Child, which also prohibits employing children below age 14.

¶19. Other activists involved with the issue of child labor do not see the problem in simple terms of complying with the law. These activists state that it is unrealistic to try to eliminate or even significantly reduce the incidence of child labor in Mexico given the prevalence of severe and widespread poverty throughout the country. The position of the activists is that very poor people will do whatever it takes to survive and that the goal of both the Mexican government and Mexican society should be to try and regulate not eliminate the phenomena of child labor.

¶10. A spokesperson for a Mexican NGO has publicly argued that what should be done is ensure that children forced to work because of their families, poverty should only be allowed to work a maximum number of hours per day, be paid a fair wage, allowed a work schedule that permits them to attend school, and not be made to work in hazardous job (as often happens with the use of pesticides in the agricultural sector). The NGO spokesperson did not opine on how these regulations could be enforced any better than the current laws covering child labor.

¶11. In another area specialists in Mexican labor law view the problem from a very different perspective. COPARMEX, Mexico's largest employers/business association (roughly equivalent to the American Chamber of Commerce), has a Labor Commission composed for privately employed labor lawyers who recently comment on the issue to post,s Labor Counselor. While not denying the existence of a child labor issue in Mexico these attorneys questioned the real magnitude of the phenomena. In their view, the wide range of figures which purportedly describe the issue on service to show that no one really knows how large or how serious an issue the child labor problem is in Mexico. As a group these lawyers

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expressed the view that the seriousness of the problem of child labor in Mexico was being exaggerated. Overall these lawyers seemed to believe that the current steps being taken by the various levels of the Mexican government to address the issue were more or less appropriate given the country,s economic realities and until such time as more authoritative data could be established.

#### THE WORST FORMS OF CHILD LABOR

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¶12. The available figures on the problem of child pornography and child prostitution in Mexico are usually cited separately from the ones on other forms of child labor. However, as with the figures for other forms of child labor the available data is either out of date or a best guest. For example, a fairly comprehensive study of the problem was carried out jointly by the Mexican government and UNICEF in ¶2000. Estimates based on that study currently calculate that at present there are somewhere between 16 - 24,000 minors involved in this form of child labor.

¶13. The problem of children forced into the commercial sex trade appears to be worse in the states of Chiapas, Jalisco, Guerrero and Quintana Roo. In all of these states the GOM at both the state and federal level have launched a number of public education initiatives to try and combat the problem. Two of Mexico,s largest national labor associations, the Mexican Workers Confederation (CTM) and the Revolutionary Confederation of Workers and Peasants/Farmers (CROC) have

also worked closely with state and federal authorities to address the problem of this form of child labor. The CTM and CROC both have large associate unions in the hotel and tourist industries where their members are well positioned to observe and report on suspected incidence of children working in the commercial sex industry. Despite the combined efforts of the unions and the Mexican federal and state government by all accounts there is little to suggest that serious advances are being made in addressing this problem.

¶14. The lack of success in addressing the problem of child labor in the commercial sex trade was recently highlighted by the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography of the UN High Commission for Human Rights (OHCHR). According to the OHCHR, the problems of children in the commercial sex trade is a growing one in Mexico and has so far been resistant to the best efforts of the Mexican government and civil society organizations. The OHCHR indicated that outdated methods of dealing with the problem and the growing interest of organized crime in the profits to be made from employing children in the commercial sex trade were the two main reasons why the problem has been so resistant to most efforts to control and ultimately eliminate this worsening situation. The only bright spot in the UN's assessment of the situation in Mexico was that the government and the country's civil society organizations were fully aware of the gravity of the situation.

COMMENT

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¶15. Although the exact figures on the extent of the dilemma of child labor in Mexico may be open to interpretation no one at any level of the Mexican government or society denies that the problem exists. Moreover, there is considerable agreement on the need to do something about the worst forms of child labor. In that regard Mexico's national legislature has recently increased the penalties for employing children in the commercial sex trade. Unfortunately, there is nothing at present to indicate that a change in the law will have any real impact on the effectiveness of Mexico's law enforcement agencies which are often poorly trained and short of resources. With regard to the issue of child labor in other sectors of Mexico's economy, it is difficult to predict when meaningful steps may be taken to address this problem simply because many in Mexico are divided on what, if anything, to do about the situation. Given the widespread poverty in Mexico and the economic necessities that have forced families to push their children into the labor market, it is unlikely that there will be any significant change in the problem of

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child labor anytime in the near term future.

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